

Message Text

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UNCLAS USBERLIN 2237

E.O. 11652: N/A
TAGS: PGOV, BQG
SUBJECT: LORENZ CASE

REF: USBERLIN 2177

1. FOLLOWING IS TRANSLATION FROM RUSSIAN OF TEXT OF
SOVIET EMBASSY LETTER DATED AUGUST 5 TO DEFENSE COUNSEL
IN LORENZ/DRENKMANN CASE:

BEGIN TEXT

DEAR LAWYERS: WE CONFIRM RECEIPT OF YOUR LETTER OF
JULY 28, 1977. WE CONSIDER IT NECESSARY TO DECLARE
THAT IN CONNECTION WITH THE QA OF 3 SEPTEMBER 1971
FEDERAL STATE ORGANS OF THE FRG, INCLUDING ALL FEDERAL
COURTS, CANNOT CARRY OUT IN THE WESTERN SECTORS OF
BERLIN LEGAL ACTS IN THE EXECUTION OF DIRECT STATE
AUTHORITY OVER THE WESTERN SECTORS OF BERLIN (SEE QA,
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ANNEX II, PARAGRAPHS 1 AND 2; LETTER OF THE THREE
AMBASSADORS TO THE FEDERAL CHANCELLOR OF SEPTEMBER 2, 1971,
PARAGRAPHS A AND E). THEREFORE IT IS QUITE CLEAR THAT
THE INTENTION OF THE FRG FEDERAL PROSECUTOR TO LEAD THE
PROSECUTION IN THE TRIAL IN THE WESTERN SECTORS OF BERLIN,
ABOUT WHICH YOUR LETTER SPEAKS, IS AN ATTEMPT AT A GROSS
VIOLATION OF THE QA. END TEXT. SIGNATURE IS ILLEGIBLE.

2. DIE WELT AUGUST 24 (SPECIAL BERLIN SECTION) CARRIES
FOLLOWING ARTICLE DESCRIBING DIFFICULTIES OF KAMMERGERICHT
IN FINDING A JUDGE FOR THE TRIAL: BEGIN QUOTE

KAMMERGERICHT FINDS ITSELF IN AN EMBARRASSING SITUATION
IN THE PRELIMINARY STAGE OF THE IMMINENT TRIAL OF THE
SIX SUSPECTED KIDNAPPERS OF THE BERLIN CDU CHAIRMAN
PETER LORENZ AND THE MURDERERS OF THE PRESIDENT OF
KAMMERGERICHT GUENTER VON DRENKMANN, THE COMPETENT
1ST PENAL CHAMBER OF THE KAMMERGERICHT IS CONFRONTED
WITH "PROBLEMS" (AS A JUDICIARY SPOKESMAN REVEALED),
PROBLEMS WHICH CAUSE GREAT CONCERN TO THE JUSTICE
AUTHORITIES. AFTER TEDIOUS CONSIDERATIONS ABOUT
BERLIN AS THE PLACE OF THE TRIAL AND THE RECENTLY
PRESENTED INDICTMENT (2 1/2 YEARS AFTER THE COMMISSION
OF THE CRIMES), THE NEW DIFFICULTIES LIE WITH THE
STAFFING OF THE CHAMBER.

ACCORDING TO A STATEMENT MADE YESTERDAY, IT MUST
BE EXPECTED THAT THE PRESENT PRESIDING JUDGE OF
THE 1ST PENAL CHAMBER, A LAWYER OF OUTSTANDING
REPUTATION, "WILL NOT BE ABLE TO LEAD THE TRIAL FOR
REASONS OF HEALTH." THE JUDGE IS UNDERGOING TREATMENT
IN THE "CLINIC" OF THE FREE UNIVERSITY.

THAT'S NOT ALL THE BAD NEWS. HIS DEPUTY WHO IN SUCH
A CASE WOULD HAVE TO LEAD THE TRIAL IS PRESUMABLY NOT
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ONLY EXCLUDED FROM ACTING AS PRESIDING JUDGE BUT FROM
ACTING AS A JUDGE AT ALL IN THE DRENKMANN/LORENZ TRIAL.
A FEW DAYS AGO, THE SUSPICION AROSE THAT "HE COULD BE
CONSIDERED TO BE PREJUDICED". THIS SUSPICION WAS
CAUSED BY STATEMENTS RECENTLY MADE BY WITNESS HOCHSTEIN,
A FORMER CONTACT OF THE JUNE 2 TERRORIST MOVEMENT.
HOCHSTEIN STATED THAT THIS JUDGE WAS ORIGINALLY CHOSEN
TO BE THE VICTIM INSTEAD OF VON DRENKMANN WHO WAS
KILLED IN NOVEMBER 1974.

INSIDERS STATE THAT "THIS IS A UNIQUE SITUATION IN
THE MORE RECENT HISTORY OF JUSTICE IN GERMANY."
THE KAMMERGERICHT HAS FIRST OF ALL TO SOLVE THE
PROBLEM OF FINDING TWO SUBSTITUTE JUDGES OF WHOM
CONSIDERABLE EXPERIENCE WOULD HAVE TO BE EXPECTED.
FOLLOWING STAMMHEIM (BAADER/MEINHOF GANG), DUESSELDORF
(STOCKHOLM HOSTAGE CRIME) AND KAISERSLAUTERN (GRASHOF,
JUENSCHKE, GRUNDMANN), THIS IS THE FOURTH GREAT
TRIAL COMPLEX IN THE SEVENTIES IN CONNECTION WITH
TERRORISM.

THE OPENING OF THE TRIAL CANNOT BE EXPECTED BEFORE
LATE SPRING OF 1978. WHEN REPROACHED BY JUDICIAL
CIRCLES WITH THE FACT THAT BERLIN HAS FAILED TO

INSTITUTE A 4TH PENAL CHAMBER IN TIME, RUEDIGER
WARNSTAEDT, PUBLIC PROSECUTOR AND HEAD OF THE
JUDICIARY PRESS OFFICE, DECLINED TO GIVE A COMMENT.

END QUOTE. GEORGE

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